

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:

Treva Monique Wright) Case No.: 11-30091
)
Debtor) Chapter 7
)
) Judge: Mary Ann Whipple

Motion To Review Counsel's Signature on ECF Declaration Form

The United States Trustee for Region 9, Daniel M. McDermott requests that this Court review the purported signature of counsel for the debtor on the ECF Declaration form filed on January 13, 2011 under docket number 8. In support, the United States Trustee states:

1. On January 10, 2011, the debtor filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code. *Doc. 1.* Counsel is represented by Diana Khouri.
2. The electronic signature of Diana Khouri appears on page 3 of the petition. However,

she does not list any office address or e-mail address. *Petition, Doc. 1, p. 3.*

3. The “Disclosure of Compensation” indicates that counsel is to receive fees in the amount of \$1,199.00 and that she had not been paid these fees. *Petition, Doc. 1, p. 32.*

4. On January 13, 2011, a “Declaration Re: Electronic Filing” was filed. *Doc. 8.* There appears to be a signature of counsel bearing the date January 7, 2011.

5. However, a review of cases filed by counsel in the Northern District of Ohio indicates that similar, if not identical, signatures appear on each “ECF Declaration.” *Exhibit A.* It is permissible for a trier of fact to review and compare signatures. *United States v. Saadey*, 393 F.3d 669, 679 (6th Cir. 2005).

6. A review of the signatures suggests that counsel has not personally signed the ECF declarations. The signatures which are placed on the ECF declaration appear to be the same. If counsel has caused ECF declarations to be filed which do not contain her actual signature, then this Court’s procedures has not been followed.

7. Pursuant to 11 U.S.C. Section 105, Local Bankruptcy Rule 2090-2, and this Court’s inherent authority, this Court may review counsel’s conduct. Furthermore, 11 U.S.C. Section 329 provides authority for the Court to review fees either paid or to be paid to counsel.

8. Accordingly, this United States Trustee requests that the Court review the “ECF Declaration” filed by counsel in this case and determine whether it contains counsel’s actual signature.

Wherefore, the United States Trustee requests that the Court review the conduct of counsel in this case, including the submission of the “ECF Declaration.” To the extent that such

declaration does not contain her actual signature, the United States Trustee requests that the Court impose appropriate relief, including the denial of all compensation related to this case.

Respectfully submitted,

Daniel M. McDermott
United States Trustee
Region 9
/s/Dean P. Wyman
Dean Wyman #0007848
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Certificate of Service

I certify I mailed a copy of the foregoing on this 22nd day of April, 2011 to Diana Khouri,
Esq., Suite 204, 6300 Rockside Road, Cleveland, Ohio 44131.

/s/ Dean Wyman
Dean Wyman